

To: Levine, Carolyn[Levine.Carolyn@epa.gov]
From: Gray, David
Sent: Tue 8/18/2015 5:07:28 PM
Subject: RE: Inquiry from Sen. Tom Udall's SEPW staff re: compensation

Hi Carolyn,

I don't think so. Need to circle with Mathy since I understand EPA will set up some form of claims center?

From: Levine, Carolyn
Sent: Tuesday, August 18, 2015 9:38 AM
To: Gray, David
Subject: Inquiry from Sen. Tom Udall's SEPW staff re: compensation

Good morning David,

Below is our correspondence with Sen. Udall's office about the claims process. Rebecca in R8 forwarded her CO member offices the note below about a public meeting in CO to discuss these issues. Is there something similar for NM that we can pass on?

La Plata County, with the assistance of the Colorado Department of Local Affairs (DoLA), and with the cooperation of local, state and federal agencies, will open a Recovery Center in Durango on Tuesday, August 18 and Wednesday, August 19 from 10 a.m. to 4 p.m. in the east end of the La Plata County Fairgrounds Exhibit Hall, Main Avenue, Durango Colorado. Staff from local, state and federal agencies noted below will be available to answer questions regarding financial and/or technical assistance related to the Animas River - Gold King Mine release. If you believe that you have suffered an economic loss related to the event, or if you have questions related to water quality, crops or livestock, individuals will be on hand to offer information and/or assistance. Services will be directed toward La Plata County businesses, employees and landowners who have been affected by the Gold King Mine release, and will include: Environmental Protection Agency-Assistance with Form 95 Claims for Damage for questions concerning loss of income or business.

Carolyn Levine

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From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Monday, August 17, 2015 9:59 AM
To: Distefano, Nichole
Cc: Levine, Carolyn
Subject: RE: Compensation...

In addition to this, I'd love to follow up on EPA financial support for the State and local towns who are seeking assistance for reimbursements as well as future necessary costs like long-term monitoring. I've heard the State needs money asap to start paying for such measures and that it shouldn't be an enormous amount of money. I'm trying to find out more information on what they need.

From: Distefano, Nichole [<mailto:DiStefano.Nichole@epa.gov>]
Sent: Thursday, August 13, 2015 5:22 PM
To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>
Cc: Hermann, Maya (Heinrich) <Maya_Hermann@heinrich.senate.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: Compensation...

On the waiver of legal rights, see below:

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

While EPA has made Form 95 available for filing a claim, EPA has also noted on the Region 8 website that:

“Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money damages in a “sum certain” amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property.”

Nichole Distefano

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From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Thursday, August 13, 2015 5:18 PM
To: Distefano, Nichole
Cc: Hermann, Maya (Heinrich); Levine, Carolyn
Subject: RE: Compensation...

Thanks. yea...

You guys are saying you are going to compensate people for damages, but how will that be done, what authority or funds are you using, are people who fill out the compensation forms waiving legal rights for other compensation, etc. does EPA need additional authority/funds for compensation and long term monitoring efforts?

FAQs on those types of things would be great.

Thanks

From: Distefano, Nichole [<mailto:DiStefano.Nichole@epa.gov>]
Sent: Thursday, August 13, 2015 5:15 PM
To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>
Cc: Hermann, Maya (Heinrich) <Maya_Hermann@heinrich.senate.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: Compensation...

Jonathan –

I am looping in Carolyn Levine who is also working on this issue from our office.

The issue is somewhat complex and we are working to get some Qs/As out to help with some of these questions. Bear with us a little bit while we finish those up and then we'll circle back.

In the meantime, here is a link to what is on the website about the claims process.

<http://www2.epa.gov/goldkingmine/claims-process-and-standard-form-95-damage-injury-or-death-result-gold-king-mine>

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From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]

Sent: Thursday, August 13, 2015 1:59 PM

To: Distefano, Nichole

Cc: Hermann, Maya (Heinrich)

Subject: Compensation...

Who can we get on the phone to help walk me through how EPA is going to compensate folks?

And where the money is coming from?

General background info to understand the plan.

Thanks.